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NASA Procedural Requirements

NPR 3730.1

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COMPLIANCE IS MANDATORY

NASA Suitability Program

Responsible Office: Office of Human Capital Management

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Preface

P.1 Purpose

This NASA Procedural Requirements (NPR) describes the responsibilities and requirements necessary to fulfill NASA's obligation to comply with all laws and regulations regarding suitability.

P.2 Applicability

- a. This NPR is applicable to NASA Headquarters and NASA Centers, including NASA's Component Facilities and Technical and Service Support Centers.
- b. Any reference to Center Director(s) includes the Executive Director for Headquarters Operations and the Executive Director of the NASA Shared Services Center.
- c. In this directive, all document citations are assumed to be the latest version, unless otherwise noted.
- d. In this directive, all mandatory actions (i.e., requirements) are denoted by statements containing the term "shall." The terms: "may" or "can" denote discretionary privilege or permission, "should" denotes a good practice and is recommended, but not required, "will" denotes expected outcome, and "are/is" denotes descriptive material.

P.3 Authority

- a. Enactment of Title 51- National and Commercial Space Programs, Pub. L. No. 111-314, 124 Stat. 3327 (2010).
- b. Authority to take Suitability Actions, 5 C.F.R. Â § 731.105.
- c. NASA Policy Directive (NPD) 1600.2, NASA Security Policy.

P.4 Applicable Documents and Forms

- a. Career and Career-Conditional Employment, 5 C.F.R. Pt. 315.
- b. Removal from the Senior Executive Service: Guaranteed Placement in Other Personnel Systems, 5 C.F.R. Pt. 359.
- c. Suitability, 5 C.F.R. Pt. 731.
- d. National Security Positions, 5 C.F.R. Pt. 732.
- e. Adverse Actions, 5 C.F.R. Pt. 752.
- f. NPR 1600.1- NASA Security Program Procedural Requirements.
- g. NPR 3511.1 - Position Management and Classification.
- h. Standard Form 85, Questionnaire for Non-Sensitive Positions.
- i. Standard Form 85P, Questionnaire for Public Trust Positions.

- j. Standard Form 86, Questionnaire for National Security Positions.
- k. Optional Form 306, Declaration for Federal Employment.

P.5 Measurement/Verification

- a. Compliance with this document is verified by the uniform implementation of procedures, the reduction in duplicative efforts, and OPM metrics on adjudication timeliness.
- b. Centers shall annually evaluate their Suitability Program and assess the process and the correctness of position risk determinations and suitability adjudications for compliance with applicable laws, regulations and policies, and make improvements, as necessary.
- c. The Office of Human Capital Management conducts functional reviews of Center Human Resources Offices. Centers will cooperate with these reviews and other evaluation activities, as required.

P.6 Cancellation

None.

/s/
Woodrow Whitlow, Jr.
Associate Administrator
Mission Support Directorate

Chapter 1. Introduction

1.1 General

1.1.1 All persons appointed to covered positions are subject to a background investigation to assist NASA in determining their suitability for Government employment. This determination is designed to ensure that the new hire's character or conduct does not negatively impact the integrity or efficiency of the service.

1.1.2 The requirements and procedures in this NPR shall only apply to applicants for, and appointees to, covered civil servant positions, which include civil servant positions in the competitive service, excepted service positions that can be noncompetitively converted to the competitive service, and career Senior Executive Service (SES) positions.

1.1.3 This NPR does not preclude a Center from taking an adverse action against an appointee or employee under the procedures and standards of Adverse Actions or terminating a probationary employee under the procedures of Career and Career-Conditional Employment or Removal from the Senior Executive Service; Guaranteed Placement in Other Personnel Systems.

Chapter 2. Position Risk and Sensitivity Designations

2.1 General

2.1.1 Position Risk Designation is a determination of a position's potential for adverse impact to the efficiency or integrity of the service. A position may be determined to be Low, Moderate, or High Risk.

2.1.2 The Position Sensitivity Designation is assigned based on the need of the incumbent to access National Security Information. A position may be designated at the non-critical sensitive, critical-sensitive, or special-sensitive level.

2.1.3 The Position Risk and Sensitivity Designations together determine the level of background investigation required for the incumbent to hold the position.

2.1.4 No personnel actions associated with recruitment, hiring, or position change shall take place without the appropriate determination of the Position Risk and Sensitivity designation.

2.1.5 If an employee experiences a change to a position with a higher position risk or sensitivity designation level due to promotion, demotion, or reassignment or the risk or sensitivity level of the employee's position is changed to a higher level due to a change or new assignment of duties, a new position risk and sensitivity designation shall be made.

2.1.6 If a NASA employee's duties require any overlap into a higher or lower risk or sensitivity level, the position risk and sensitivity designation and subsequent investigation will be set at the highest level anticipated.

2.1.7 Position Risk and Sensitivity Designations for existing positions may be reevaluated at any time, but, at a minimum, will be reevaluated periodically in association with a review of the position description in accordance with NPR 3511.1, Position Management and Classification.

2.1.8 If an employee is detailed to an unclassified set of duties, the set of duties must be evaluated to determine the associated risk and sensitivity prior to assignment of the duties to the employee.

2.2 Responsibilities

2.2.1 The Center Human Resources Director shall:

- a. Ensure that the Position Risk and Sensitivity Determination level is correct prior to processing a promotion, demotion, detail, or reassignment action.
- b. Ensure that upon supervisory notification of a change in duties the Position Risk and Sensitivity Designations are correct.
- c. Ensure that new investigations are initiated within 14 days of entry-on-duty or change in position or duties by initiating the investigation or coordinating with the Center Security Office to initiate the investigation.
- d. Ensure that Position Risk and Sensitivity Designations are documented in the electronic Position Description System (ePDS).

- e. Determine, in coordination with supervisors and the Center Protective Services Office, the appropriate Position Risk and Sensitivity Designations for each position.
- f. Initiate a reevaluation of the Position Risk and Sensitivity Designation if the current designation for a position is incorrect.
- g. Ensure any waivers for preappointments in a sensitive national security position are made only for a limited time consistent with National Security Positions.

2.2.2 The supervisor shall:

- a. Ensure employees are only assigned tasks that match the Position Risk and Sensitivity Designation of the established position.
- b. Notify Human Resources (HR) when duties of a position change that may require a review of the Position Risk and Sensitivity Designation.
- c. Coordinate with HR and Protective Services, as necessary, to ensure the correct Position Risk and Sensitivity Designations are assigned.

2.3 Levels of Position Risk

2.3.1 All positions shall be designated High Risk, Moderate Risk, or Low Risk, as determined by the duties of the position and the position's potential for adverse impact to the integrity and efficiency of NASA. Moderate and High Risk positions are also known as Public Trust positions.

2.3.2 All position risk designations shall be determined using OPM's Position Designation Automated Tool within the NASA ePDS.

2.3.3 High Risk positions are those that have the potential for exceptionally serious impact involving duties especially critical to NASA or a program mission of NASA with a broad scope of policy or program authority.

2.3.4 Moderate Risk positions are those that have the potential for moderate-to-serious impact involving duties of considerable importance to NASA or a program mission of NASA with significant program responsibilities and delivery of customer services to the public.

2.3.5 Low Risk positions involve duties and responsibilities of limited relation to program missions, with the potential for limited impact on the integrity or efficiency of the service. It also refers to those positions that do not fall within the definition of a High or Moderate Risk position. Positions designated at the Low Risk level are not considered Public Trust positions.

Chapter 3. Adjudication

3.1 General

3.1.1 The Office of Personnel Management (OPM) may take a suitability action against an applicant, an appointee, or an employee and retains the right to adjudicate any case with evidence of material, intentional false statement, deception or fraud in examination or appointment, or evidence of a refusal to furnish testimony, as required under 5 C.F.R. 5.4.

3.1.2 The Center Human Resources Office (HRO) shall make a favorable or unfavorable suitability determination for all covered positions where the principles of reciprocity do not apply. Reciprocity is further discussed in Section 3.4 of this NPR.

3.1.3 Centers shall only take a suitability action against an applicant (someone applying for a covered position) or appointee (someone who has been hired but has not completed one year of service). Centers may not take a suitability action against an employee (someone hired who has completed one or more years of service) unless directed by OPM to do so.

3.1.4 Centers shall refer to OPM any suitability action against an employee based on the following:

- a. Material, intentional false statement, or deception or fraud in examination or appointment.
- b. Refusal to furnish testimony to OPM, Merit Systems Protection Board (MSPB), Special Counsel, or authorized representatives of these bodies.
- c. Any statutory or regulatory bar which prevents the lawful employment of the person involved in the position in question.

3.1.5 An unfavorable suitability decision is a sufficient basis for non-issuance or revocation of a personal identity verification card.

3.2 Responsibilities

3.2.1 The Director, Workforce Management and Development Division (WMDD), Office of Human Capital Management (OHCM), shall ensure that the Suitability Program and these procedural requirements comply with applicable law and regulations.

3.2.2 Center Human Resources Directors shall:

- a. Ensure that those responsible for suitability adjudication have received appropriate training and hold the proper level of investigation.
- b. Conduct initial suitability screening for applicants prior to entry on duty.
- c. Implement procedures to ensure that personnel investigations for new hires are initiated, as appropriate, within prescribed timeframes, suitability adjudications are made within prescribed timeframes, and suitability adjudication records are disseminated appropriately.
- d. Advise managers/supervisors, human resources specialists, and administrative personnel in position risk designations, suitability determinations, and other personnel suitability matters.
- e. Coordinate with Center Protective Services staff to ensure that pre-appointment investigation requirements are satisfied, as required.

- f. Notify the Center Protective Services of all relevant personnel actions for persons in sensitive positions.
- g. Advise responsible Center management when a negative suitability determination is made for an applicant, appointee, or employee (if OPM directed).
- h. Notify OPM of all suitability adjudications.

3.2.3 The Office of Protective Services shall:

- a. Initiate the appropriate background investigation, if necessary, once notified by HR of a change in position or duties that increases the risk designation or sensitivity level.
- b. Forward Reports of Investigation (ROIs) to the HRO for suitability adjudication.

3.2.4 The Central Adjudication Facility (CAF) shall forward ROIs to the HRO for suitability adjudication upon completion of the National Security Clearance adjudication.

3.2.5 Supervisors shall:

- a. Work with their Center HRO to ensure that each position has an appropriate Risk and Sensitivity designation.
- b. If necessary, work with the Center's HRO to adjudicate any issues identified as a part of an employee investigation.
- c. If necessary, work with the Center's HRO to take appropriate action when a negative suitability determination is made for an applicant, appointee, or employee (if directed by OPM).

3.2.6 Applicants and Appointees shall:

- a. Promptly complete and submit required investigative forms to the requesting office.
- b. Promptly complete and submit required personnel forms to the requesting office.
- c. Provide additional information, as requested.

3.2.7 Suitability Adjudicators shall:

- a. Adjudicate background investigations in accordance with the laws, regulations, and criteria pertaining to suitability determinations as soon as possible but no later than 90 days after the final report of investigation from OPM is received.
- b. Report to OPM the suitability determination and any suitability action taken.

3.2.7.1 Adjudicators will have a background investigation equal to or higher than the cases handled and be trained in adjudication procedures.

3.3 Investigations

3.3.1 Investigations, if required, shall be initiated before appointment or, at most, within 14 working days of placement in the position.

3.3.2 If suitability issues develop prior to the completion of OPM's investigation, the Center may request additional information from the applicant or appointee sufficient to resolve the issues and support a suitability determination or action, if warranted. A tentative favorable determination does not negate the need to complete the requisite background investigation required for the position.

3.4 Reciprocity

3.4.1 Centers shall not make a new suitability determination for a person who has already been determined suitable or fit under 5 CFR 731 or equivalent criteria unless.

- a. A new investigation is required under 5 CFR 731.
- b. The Center obtains new information in connection with the person's appointment that calls into question the person's suitability.
- c. The investigative record on file for the person shows conduct that is incompatible with the core duties of the relevant covered position.

3.4.2 Persons appointed to the following positions are not subject to investigation when the person has already undergone a background investigation, has been in the Federal service continuously for at least one year, and has been determined suitable:

- a. Appointments, conversions to appointments, or transfers from one covered position to another with no break in service.
- b. Transfers or appointments from excepted service positions that are not covered positions to covered positions with no break in service, provided the person has been serving continuously for at least one year in a position where the person has been determined fit for appointment based on criteria equivalent to the factors provided at Suitability - Criteria for making suitability determinations.
- c. Appointment to a covered position of an employee currently working as a Federal contract employee, provided the person has been serving continuously for at least one year in a job where a Federal agency determined the contract employee was fit to perform work on a contract based on criteria equivalent to Suitability.

3.4.3 Positions that are intermittent, seasonal, per diem, or temporary, not to exceed an aggregate of 180 days per year in either a single continuous appointment or series of appointments, do not require a background investigation. Suitability for employment to appointments of this nature shall be determined through comprehensive reference checks prior to selection to verify information supplied by the applicant and to obtain other information that will help determine the individual's suitability to hold Federal employment.

3.4.4 A new investigation is required when:

- a. The covered position requires a higher level of investigation (due to increased Risk or Sensitivity) than previously conducted for the person being appointed.
- b. New information is discovered in connection with the person's appointment that calls the person's suitability into question.
- c. There has been a break in service.
- d. The investigation has exceeded the acceptable time period of reciprocity established by NASA (10 years - NACI), per NPR 1600.1, NASA Security Program Procedural Requirements.

3.5 Information Sources

3.5.1 Suitability determinations may be made using all available information, such as, but not limited to:

- a. A completed OF 306 - Declaration for Federal Employment.
- b. FBI fingerprint results.
- c. A completed investigative form (e.g., SF 85, SF 85P, SF 86).
- d. An ROI from OPM.

3.6 Criteria

3.6.1 Suitability determinations shall be made using the criteria set forth in 5 CFR 731.202.

3.7 Unfavorable Suitability Determinations.

3.7.1 Center HROs are required to report to OPM all unfavorable suitability actions within 30 days after the action is taken.

3.7.2 The applicant, appointee, or employee will be afforded their appeal or due process rights under all appropriate authorities.

3.7.3 Center HROs will notify the applicant or appointee, in writing, of the proposed action, the charges against him/her, and the availability for review, upon request, of the materials relied upon in making the suitability determination. The notice shall:

- a. Contain the specific reasons for the proposed action.
- b. Inform the applicant or appointee of the right to respond, in writing, to the notice.
- c. Inform the applicant or appointee of the time limit to respond.
- d. Contain the address where written responses should be sent.
- e. Inform the applicant or appointee of the right to be represented by a representative of choice.
- f. Inform the applicant or appointee that the representative shall be designated in writing.
- g. Inform the applicant or appointee of the process to request a copy of the report of investigation from OPM.

3.7.4 Centers shall serve the notice of proposed action not less than 30 days from the effective date of the proposed action to the applicant or appointee's last known residence or duty station.

3.7.5 If the applicant or appointee is in a covered position on the date the notice is served, he or she is entitled to be retained in a pay status during the notice period.

3.7.6 The applicant may respond in writing to the notice of proposed action with additional information or affidavits supporting the response.

3.7.7 The final decision shall be:

- a. In writing.
- b. Dated.

- c. Inform the applicant or appointee of the reasons for the decision.
- d. Inform the applicant or appointee of the right to appeal the decision to the MSPB.

3.7.8 If the final decision requires the removal of an appointee, the Center HRO will remove the appointee from the rolls within five work days of the final decision.

3.8 Actions

3.8.1 The Center HRO may take a suitability action against an applicant or an appointee when it is determined that the person is unsuitable for employment.

3.8.2 OPM may require that an appointee or an employee be removed on the basis of a material, intentional false statement, deception or fraud in examination or appointment, refusal to furnish testimony, or a statutory or regulatory bar which prevents the person's lawful employment.

3.8.3 OPM may cancel any reinstatement eligibility obtained as a result of a material, intentional false statement, deception, or fraud in examination or appointment.

3.8.4 A suitability action is one or more of the following:

- a. Withdrawal of a tentative job offer.
- b. Removal.
- c. Cancellation of reinstatement eligibility.
- d. Debarment.

Note: A non-selection or cancellation of eligibility for a specific position based on an objection to an eligible or pass over of a preference eligible is not a suitability action.

Chapter 4. Debarment

4.1 General

4.1.1 Debarment is a decision by OPM or NASA to prohibit a person from applying for, or being appointed to, a Federal position.

4.1.2 If NASA finds a person unsuitable, it may debar that person from applying for, or being appointed to, other positions within NASA or recommend to OPM that the person be debarred from applying for, or being appointed to, all Federal government positions.

4.1.3 Debarment may be from a specific type of job or from all jobs.

4.1.4 Debarment can last for up to three years, depending on the nature, recency, seriousness of the conduct, and other factors.

4.1.5 OPM's decision to not pursue a Government-wide debarment action does not preclude NASA from debarring the applicant or appointee NASA-wide.

4.2 Type of Debarment

4.2.1 Debarment can be imposed at the Agency level or at the Federal level, depending on the circumstances of the case.

4.2.2 The Center HRO shall determine if a Federal- or NASA-wide debarment is warranted, in accordance with OPM guidance, and follow sections 4.3 or 4.4 of this NPR, as appropriate.

4.3 Agency-wide Responsibilities

4.3.1 The Center HRO shall:

- a. Forward all appropriate documentation to OHCM WMDD for review and approval.
- b. Ensure the applicant or appointee is afforded due process as defined in 5 C.F.R. 731 Subpart D - Agency Suitability Action Procedures.
- c. Ensure the applicant or appointee is notified of his or her appeal rights to the MSPB, as defined in 5 C.F.R. 731.501.
- d. After all due process procedures have been completed, inform OHCM WMDD of the final decision.

e. Notify Protective Services of the debarment.

4.3.2 OHCM WMDD shall:

- a. Approve or disapprove all NASA-wide debarment proposals as appropriate.
- b. Inform the Center HRO, in writing, of debarment proposal approval or disapproval.
- c. Notify the Agency NASA Staffing and Recruitment System (STARS) Point of Contact (POC) of the debarment determination.

4.3.3 The NASA STARS POC is responsible for:

- a. Notifying the Resume Operations Center (ROC) of the debarment.
- b. Ensuring that all future applications from the debarred individual remain "inactive" within NASA STARS for the debarment period.
- c. Notifying the STARS Super Users at each Center of all debarments.

4.4 Federal-wide Debarment Responsibilities

4.4.1 The Center HRO shall:

- a. Notify OHCM WMDD of the recommendation for Federal-wide debarment and subsequent outcome.
- b. Forward all appropriate case file documentation to OPM for adjudication.
- c. Support OPM, as necessary, during the Federal-wide debarment process.

4.5 Additional Period of Debarment

4.5.1 Once the period of debarment expires, NASA may impose an additional period of debarment only after the person again becomes an applicant or appointee subject to NASA's suitability jurisdiction.

4.5.2 NASA shall not extend the debarment if the individual does not apply for another position after the debarment period has expired.

Appendix A. Definitions

Applicant. A person who is being considered or has been considered for employment.

Appointee. A person who has entered on duty and is in the first year of a subject-to-investigation appointment.

Break in Service. A break in service occurs when an employee is not employed for a period of one or more workdays.

Core Duty. A continuing responsibility that is of particular importance to the relevant covered position or the achievement of an agency's mission.

Covered Position. A position in the competitive service, a position in the excepted service where the incumbent can be noncompetitively converted to the competitive service, and a career appointment to a position in the SES.

Days. Calendar days unless otherwise specified in this part.

Debarment. A determination by the Agency or OPM to prohibit an applicant or appointee from being examined for or appointed to a Federal position for a period of up to three years.

Employee. A person who has completed the first year of a subject-to-investigation appointment.

Investigation. The act of investigating a person's background which may include, but is not limited to, credit history, criminal history, and employment history.

Material. In reference to a statement, one that is capable of influencing, affects, or has a natural tendency to affect, an official decision even if OPM or an agency does not rely upon it.

Position Risk Designation. A determination of a particular position's potential for adverse impact to the efficiency of integrity of the service. A position may be determined to be Low, Moderate, or High Risk.

Position Sensitivity Designation. A determination based on the need of the incumbent to access National Security Information. A position may be designated at the non-critical sensitive, critical-sensitive, or special-sensitive level.

Reciprocity. A determination to accept a Suitability Adjudication previously made by another entity.

Suitability Adjudication. A determination based on an individual's character or conduct that may impact the efficiency of the service.

Suitability Adjudicators. A person who is responsible for making or recommending a suitability adjudication.

Unclassified Set of Duties. A set of duties and responsibilities for which NASA has not officially assigned a title, series, and grade level.

High Risk Positions. Positions that have the potential for exceptionally serious impact involving duties especially critical to NASA or a program mission of NASA with broad scope of policy or program authority.

Moderate Risk Positions. Positions that have the potential for moderate-to-serious impact involving duties of considerable importance to NASA or a program mission of NASA with significant

program responsibilities and delivery of customer services to the public.

Low Risk Positions. Positions that involve duties and responsibilities of limited relation to program missions, with the potential for limited impact on the integrity or efficiency of the service. It also refers to those positions that do not fall within the definition of a High or Moderate Risk position. Positions designated at the Low Risk level are not considered Public Trust positions.

Appendix B. Acronyms

CAF	Central Adjudication Facility
CFR	Code of Federal Regulations
ePDS	Electronic Position Description System
HR	Human Resources
HRO	Human Resources Office
MSPB	Merit Systems Protection Board
NACI	National Agency Check with Inquires
NASA	National Aeronautics and Space Administration
NPD	NASA Policy Directive
NPR	NASA Procedural Requirements
OF	Optional Form
OHCM	Office of Human Capital Management
OPM	Office of Personnel Management
POC	Point of Contact
ROC	Resume Operations Center
ROI	Report of Investigation
SF	Standard Form
STARS	Staffing and Recruitment System
WMDD	Workforce Management and Development Division